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September 14, 2006

Via ECF Filing & Regular Mail

The Honorable Sidney H. Stein
United States District Court
500 Pearl Street
New York, New York 10007-1312

Re: The Annuity, Welfare and Apprenticeship Skill Improvement &
Safety Funds of I.U.O.E. Local 15 v. Phase 1 Group, Inc. *et al.*
Civil Case No. 06-CIV-5690 (SHS)

Dear Judge Stein:

Our office represents the Plaintiffs in the above-captioned matter. In that the Defendants have satisfied in full the amount demanded in the Complaint prior to the return date of the previously filed motion for a default judgment (September 21, 2006), please be advised that the Plaintiffs voluntarily dismiss this action with prejudice as against Defendants Phase 1 Group, Inc., New York Concrete Corp. and Phase 1 Group/New York Concrete, a Joint Venture, in accordance with Rule 41(a) of the Federal Rules of Civil Procedure. We respectfully request that you forward this notice to the Clerk's office for filing.

As a result of the parties resolving this matter, we respectfully withdraw the Plaintiffs' motion for a default judgment which is currently returnable on September 21, 2006 and renew our request that the initial conference scheduled for October 6, 2006 be canceled.

Thank you for your attention to this matter.

Respectfully submitted,

James M. Steinberg (JS-3515)

Cc: Ms. Donna Marie Russo (Phase 1 Group, Inc.,
New York Concrete Corp. and Phase 1
Group/New York Concrete, a Joint Venture)
Mr. Patrick J. Keenan